


City of St. Charles, Illinois

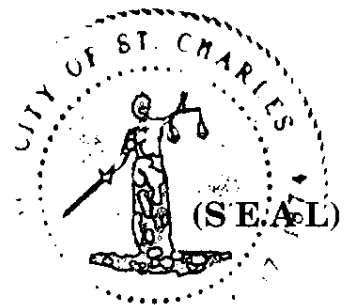
Ordinance No. 2008-M-3

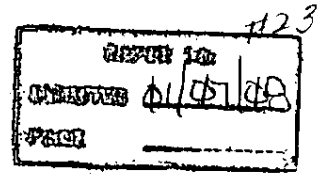
**Ordinance Amending Title 2
“Administration and
Personnel” Chapter 2.30 “Fire
Department” of the St.
Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
January 7, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, January 11, 2008**


City Clerk





ORDINANCE NO. 2008-M- 3

**AN ORDINANCE AMENDING TITLE 2
"ADMINISTRATION AND PERSONNEL" CHAPTER 2.30
"FIRE DEPARTMENT"**

SECTION 2.30.020 "Fire Chief – Office created - Appointment, Term"

SECTION 2.30.030 "Full-time firemen – Appointment and Promotion"

SECTION 2.30.040 "Full-time fireman – Discharge"

SECTION 2.30.050 "On-Call fireman - Appointment"

SECTION 2.30.060 "On-Call firemen – Qualifications"

SECTION 2.30.080 "Fire Chief and department – Duties"

SECTION 2.30.090 "Recordkeeping by Fire Chief"

SECTION 2.30.110 "Command at fires emergencies"

SECTION 2.30.120 "Obedience to orders"

SECTION 2.30.130 "Absence of paid-on-call firemen"

SECTION 2.30.140 "Service outside corporate limits"

SECTION 2.30.160 "Foreign Fire Insurance Company Tax Board"

SECTION 2.30.170 "Unauthorized use of apparatus"

SECTION 2.30.180 "Meetings and social activities – Records required"

SECTION 2.30.190 "Fire protection training"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST.

CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department"

Section 2.30.020 "Fire chief - Office created – Appointment, Term" of the St.

Charles Municipal Code, be amended as follows:

2.30.020 Fire Chief - Appointment, Term and Vacancy Filling.

A. Appointment. The Fire Chief shall be recommended for appointment by the city administrator and appointed annually by the mayor with advice and consent of the City Council.

B. Term. The Fire Chief shall hold office from the date of appointment until the first day of May unless removed as provided by ordinance.

C. Removal. If the City Administrator determines that the Fire Chief is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the Fire Chief at any time.

D. Appointment Mid-Term. If the Fire Chief is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council, may appoint a new Fire Chief prior to May 1st.

2. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department" Section 2.30.030 "Full-time firemen - Appointment and Promotion", of the St.

Charles Municipal Code be amended to read as follows:

2.30.030 Full-time Firefighter - Appointment and Promotion.

A. Except hereinafter set forth, all appointments and promotions to the fire department shall be made by the Board of Fire and Police Commissioners as provided for by law.

B. The fire chief is authorized to appoint, suspend or discharge employees in the rank of assistant fire chief, the position immediately below the chief, subject to the advice and consent of the city administrator. The rank immediately below the chief may be appointed from any full-time officer.

C. Any full-time member of the fire department holding the rank of assistant fire chief or battalion chief upon enactment of this ordinance shall be classified during his or her term in such position as on furlough from the fire department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the fire department as established under statute or city ordinance, unless removed from the Department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

D. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he shall be considered as on furlough from the fire department at the rank to which he or she is entitled under the Board of Fire and Police commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he resigns from his appointed rank or is removed by the appointing authority prior to attaining eligibility to retire on pension, he shall revert to and be established in whatever rank he held immediately prior to his appointment to the rank immediately below the chief, and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from

the Department by the Board of Fire and Police Commissioners. If he or she resigns from the appointed rank or is removed by the appointing authority after attaining eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.

E. Any full-time member of the fire department appointed as fire chief shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from the appointed position.

F. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the fire department.

3. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”
Section 2.30.040 “Full-time firemen – Discharge”, of the St. Charles Municipal
Code be amended to read as follows:

2.30.040 Full-time Firefighter - Discharge.

No full-time firefighter shall be discharged from the department except after a hearing on the charges before the board of fire and police commissioners as provided by statute; provided, that this section shall not be construed as affecting the power of the mayor and city council to appoint and remove the fire chief.

4. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”
Section 2.30.050 “2.30.050 On-call firemen - Appointment”, of the St. Charles
Municipal Code be amended to read as follows:

2.30.050 Paid-on-call Firefighter- Appointment.

A. Appointments to the position of paid-on-call firefighter are to be made from an eligibility list established by the City.

5. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”
2.30.060 “On-call firemen – Qualifications” of the St. Charles Municipal Code be
amended to read as follows:

2.30.060 Paid-on-call Firefighter - Qualifications.

Qualifications for a paid on-call firefighter shall be, but shall not be limited to, the following:

- A. Reside within the residency requirements established and revised from time to time by the City.
- B. Persons who are in good health and who are physically fit;
- C. Persons who have good moral and character references and who are not addicted to the habitual use of intoxicating liquors or narcotics; and
- D. Persons who appreciate the responsibility vested with them and who are willing to serve when called. They must be willing to devote time to the necessary drills, meetings, tests or equipment, etc., in addition to actual alarms.

6. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”

Section 2.30.080 “Fire chief and department - Duties” of the St. Charles

Municipal Code be amended to read as follows:

2.30.080 Fire Chief - Duties.

The fire chief is responsible for the enforcement of all laws and ordinances coming within the legal jurisdiction of the department. The fire chief is responsible for planning, directing, coordinating, controlling, and staffing all activities of the department, for its continued and efficient operations, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with the citizens of St. Charles, the city government and other agencies.

7. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department” of

the St. Charles Municipal Code be amended to read as follows:

2.30.085 Fire Department – Duties

It shall be the function and duty of the fire department and every member thereof to prevent, extinguish, and investigate the causes of fires occurring in the city, to enforce the provisions of this code and all city ordinances relating to fire and life safety hazards, and to prevent infractions of such laws and ordinances. The fire department shall have other such duties and responsibilities as may be prescribed

by law, and as may be assigned to it by the mayor, city administrator, or city council, including, but not limited to hazardous materials response, technical rescue, water rescue, and public education. These specified powers and duties shall apply throughout all or part of any fire district served by the fire department pursuant to agreement.

8. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department" Section 2.30.090 "Recordkeeping by fire chief" of the St. Charles Municipal Code be amended to read as follows:

The fire chief shall keep or cause to be kept such records and make such reports showing the activities of the Fire Department as may be required by the city administrator, the mayor and city council, or law.

9. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department" Section 2.30.100 "Rules and regulations" of the St. Charles Municipal Code be amended to read as follows:

The fire chief shall make or describe such rules and regulations for the guidance of the members and employees of the fire department as he shall see fit, such rules and regulations, shall be binding on such members and employees.

10. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department" of the St. Charles Municipal Code be amended to read as follows:

2.30.105 Chain of command.

The fire chief, and in the absence of the fire chief, an assistant fire chief, and in the absence of an assistant fire chief, a battalion chief shall have full responsibility and authority for the operation of the fire department as specified in this chapter. All department personnel shall obey the orders of their superior officers while on duty.

11. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department" Section 2.30.110 "Command at fires" of the St. Charles Municipal Code be amended to read as follows:

2.30.110 Command at emergencies.

In case of emergency, the fire chief and his assistants shall rank in the order named and the officer of the highest rank at the fire shall take command of the fire department and direct the management thereof for the mitigation of the emergency incident in the best manner possible.

12. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department” of the St. Charles Municipal Code be amended to read as follows:

2.30.115 Conduct, duties at emergency incidents.

The fire chief or, in his or her absence, the officer in command at any emergency incident shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of life and property or to protect the adjoining property; and may direct or cause the removal, tearing down, cutting down, of any building, structure, or fence for the purpose of checking the progress of any emergency incident.

The fire chief, or any other fire officer in command at an emergency incident, may establish limits in the vicinity of any emergency incident within which no persons, except firefighters, police officers, and those admitted by any officer of the fire department, shall be permitted to go.

The fire chief, assistant fire chiefs, battalion chiefs, captains, and lieutenants of the fire department shall have the power and authority to cause to be arrested any person, at or near the scene of an emergency incident, for any interference with the fire department in the performance of its duties or for the commission of a crime or violation of any ordinance in connection with the emergency incident.

13. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department” Section 2.30.120 “Obedience to orders” of the St. Charles Municipal Code be amended to read as follows:

Any fire department employee in attendance of an emergency incident who neglects or refuses to obey the orders of the officer in command at such incident shall be subject to disciplinary action as prescribed by statute and/or rules and regulations of the department.

14. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”
Section 2.30.130 “Absence of paid on-call firemen” of the St. Charles Municipal
Code be amended to read as follows:

2.30.130 Absence of paid on-call firefighter.

Any paid on-call firefighter not reporting to alarms, drills and meetings for a period of thirty days without prior written permission shall be considered as having abandoned his position and as having separated himself from the department and his name shall be stricken from the roster. Proper written permission to remain absent for this or a longer period shall be obtained from the chief.

15. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”
Section “2.30.140 Service outside corporate limits” of the St. Charles Municipal
Code be amended to read as follows:

Members of the fire department are authorized to go outside the corporate limits of the city for the purpose of rendering aid to other fire departments or municipalities for extinguishing fires and rendering aid in the case of emergencies in accordance with the following.

1. Where the fire department is acting pursuant to the terms and conditions of a contract, automatic-aid, or mutual-aid agreement to render service outside the corporate limits; or
2. Where the fire chief, city administrator, or the mayor and city council has ordered such action.

16. That Title 2 “Administration and Personnel” Chapter 2.30 “Fire Department”
Section “2.30.160 Funds - Foreign Fire Insurance Company Tax Board” of the St.
Charles Municipal Code be amended to read as follows:

A. The city of St. Charles Foreign Fire Insurance Company Tax Board (hereinafter BOARD) is hereby created to consist of six members of the Fire Department, plus the Fire Chief of the city of St. Charles as an ex-officio member. The members of the BOARD shall be the respective president, secretary, and treasurer of the organization representing full-time members of the Fire

Department, and the president, secretary, and treasurer of the paid on-call firefighter's organization, and the Fire Chief who shall be an ex-officio member of the BOARD.

B. The BOARD shall have officers, which shall be a President, a Vice-President, a Secretary, and a Treasurer. Offices of the BOARD shall be filled by an annual election by members of the city of St. Charles Fire Department. The Fire Chief (who shall be otherwise an ex-officio member of the BOARD) may be elected as an officer of the BOARD by the members, and may then vote upon all matters coming before the BOARD. The BOARD shall manage and authorize the disbursement of all foreign fire insurance company tax funds received by the city, for the maintenance, use, and benefit of the fire department. Such maintenance, use and benefit shall inure solely to such maintenance, use, and benefit of the fire department as a whole.

C. The City Treasurer shall cause all funds received from the Foreign Fire Insurance Company Tax to be paid to the Treasurer of the BOARD. Such funds delivered to the Treasurer of the BOARD shall be deposited in the Foreign Fire Insurance Company Tax Fund, which is hereby authorized to be established. The Treasurer of the BOARD shall be responsible to pay any authorized collection fees or service charge associated with the same and shall further be responsible to disburse all funds from the Foreign Fire Insurance Company Tax Fund only upon authorization of the BOARD for only the purposes set forth herein. The Treasurer of the BOARD shall give a bond in an amount equal to one and one half times the anticipated annual Foreign Fire Insurance Company Tax to the Foreign Fire Insurance Company Tax Board, such bond first being approved by the Mayor of the city, and the cost of such bond shall be payable from the Foreign Fire Insurance Company Tax Fund. The BOARD Treasurer shall cause to be completed an annual financial report of the Foreign Fire Insurance Company Tax Fund and shall submit the same to the BOARD for approval. The BOARD President shall submit the financial records of the BOARD to the City Finance Department for an annual audit.

D. All meetings of the BOARD shall be held in accordance with the provisions of the Illinois Open Meetings Act, as may be amended from time to time, and the BOARD shall annually publish its regular meeting schedule which shall include the location and time of all regular meetings. Special meetings may be called upon the call of the President or any four members of the Board, provided, however, that any such meeting shall be held in accordance with the Illinois Open Meetings act. An agenda shall be published for all meetings and during all such meetings the President shall preside, or, in the absence of the President the Vice-President. All meetings shall be governed by Roberts Rules of Order, except as may be otherwise expressly provided by Statute. The Secretary of the BOARD shall cause to be kept a complete record of the proceedings of each meeting of the BOARD. The Secretary shall cause the annual financial report of the Foreign Fire Insurance Company Tax Fund, submitted by the Treasurer and approved by the

BOARD and a copy of the same, certified to as a true and correct copy of the original by the Secretary, shall be submitted to be placed on file with the City Clerk of the city.

E. The BOARD shall promulgate written rules to prescribe a method for submission of matters for its consideration. All such rules shall be first approved by the BOARD prior to being in full force and effect.

F. At no time shall the actions of the BOARD or its officers interfere with the ordinances and rights of the city or its Fire Chief, the composition of the Fire Department, the Board of Fire and Police Commissioners of the city, or in any way impede the operation of the Fire Department. The City retains the right to withhold approval for use by city employees or in city facilities of equipment, supplies, or services purchased by the BOARD but not approved by the City.

G. The term "members" of the Fire Department shall be construed to include those persons described in Section 2.30.010 of the St. Charles Municipal Code.

17. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department"

Section 2.30.170 "Unauthorized use of apparatus prohibited" of the St. Charles Municipal Code be amended to read as follows:

It is unlawful for any person to use any fire engine, hose or any other apparatus belonging to the city for any private purpose other than official business of the fire department. It is unlawful for any person to remove the same or any part thereof from its place of deposit or, having control thereof, to permit such engine, hose or other apparatus to be used for any private purpose other than aforesaid. Upon conviction, such person shall be fined not less than five dollars nor more than five hundred dollars.

18. That Title 2 "Administration and Personnel" Chapter 2.30 "Fire Department"

Section 2.30.190 "Fire protection training" of the St. Charles Municipal Code be amended to read as follows:

A. The city elects to participate in the training programs provided for in the Illinois Fire Protection Training Act.

B. Before an individual may commence regular full-time employment as a firefighter, said individual must have been certified by the Illinois State Fire

Marshal as a Firefighter II, as having successfully completed a course approved by the office of the State Fire Marshal and attain licensure as an emergency medical technician-paramedic (EMT-P) with the Illinois Department of Public Health.

C. For paid on-call personnel, the Firefighter II training must be completed by the trainee within that individual's probationary period of one calendar year from the initial date of probationary appointment.

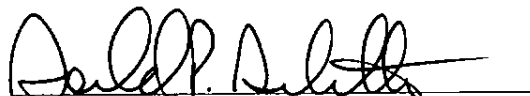
D. The board of fire and police commissioners is authorized to make any necessary amendments to the rules of the board of fire and police commissioners.

2. That after adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.
3. This Ordinance shall be in full force and effect from and after its passage by a vote of the majority of the corporate authorities now holding office and approval in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 7th day of January, 2008.

PASSED by the City Council of the City of St. Charles, Illinois, this 7th day of January, 2008.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 7th day of January, 2008.


Donald P. DeWitte, Mayor

ATTEST:

Nancy Garrison
Nancy Garrison
City Clerk



COUNCIL VOTE:

Ayes: 10
Nays: 0
Absent: 0

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on January 7, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-3, entitled

"Ordinance Amending Title 2
"Administration and
Personnel" Chapter 2.30 "Fire
Department" of the St.
Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-3, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 11, 2008, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 7th day of January 2008.



Nancy Garrison
Municipal Clerk